

Personnel Appeals Board
Meeting Minutes
June 30, 2020

The City of Douglas Personnel Appeals Board conducted a hearing on a personnel action appeal by Jose Duarte, Police Department Employee. The hearing took place on Tuesday, June 30, 2020; located at City Hall Council Chambers, 425 Tenth Street, Douglas, Arizona.

1. Call to Order 10:03 a.m.

| | | |
|-----------------|-----------|--------|
| 2. Roll Call | Present | Absent |
| Lawana Diffie | X | |
| Robyn Escarcega | X | |
| Guadalupe Mejia | X (phone) | |
| Vicky Merritt | X | |
| Gail Zamar | X | |

3. Discussion / Decision to decide if any conflict of interest exists for pending hearing

Motion by Lawana Diffie, **second** by Vicky Merritt to establish no conflict of interest.
Roll Call: All members voted in favor. **MOTION PASSED**

4. Swearing in of witnesses

The following witnesses were sworn in by Lawana Diffie as a group: Jose Duarte and Kraig Fullen.

5. Presentation of evidence

The City submitted the investigative file into evidence and Mr. Jeff Jacobson (Mr. Duarte's representative) submitted an expert affidavit and Mr. Duarte's employee evaluations.

6. Conduct the hearing on appeal of the demotion of Jose Duarte

Juan Pablo Flores, City Attorney provided opening statements for the City of Douglas.

Jeff Jacobson, Attorney at Law provided opening statements on behalf of Jose Duarte.

First witness called to testify was Kraig Fullen. He was first questioned by Juan Pablo Flores and then cross examined by Jeff Jacobson.

Recess taken from 12:21pm to 1:56pm

Second witness called to testify was Jose Duarte. He was first questioned by Jeff Jacobson and then cross examined by Juan Pablo Flores.

Third witness called to testify was Stanley Kephart. This was conducted over the phone. Ms. Lawanna Diffie swore in the witness at this point. Ms. Kephart was first questioned by Jeff Jacobson and then cross examined by Juan Pablo Flores.

Motion by Lawana Diffie, **second** by Vicky Merritt to go into executive session for the board to seek legal advice.

Roll Call: All members voted in favor. **MOTION PASSED** at 3:42pm

Returned from executive session at 4:05pm.

7. Discussion/Presentation of Closing Arguments to be provided by the parties' representatives

Juan Flores, City Attorney provided the closing arguments for the City of Douglas.

Jeff Jacobson, Attorney at Law provided the closing arguments on behalf of Jose Duarte.

8. Call for and conduct an executive session pursuant to A.R.S. 38-431.03 A (1) and (3).

Motion by Vicky Merritt, **second** by Robyn Escarcega to NOT conduct an executive session.

Roll Call: All members voted in favor. **MOTION PASSED**

9. Discussion/Decision to determine whether the City Manager had just cause to demote Mr. Jose Duarte.

Motion by Vicky Merritt, **second** by Gail Zamar for the Personnel Appeals Board to uphold the demotion of Jose Duarte.

Roll Call: All members voted not in favor. **MOTION DID NOT PASS**

10. Discussion/Decision to possibly consider and recommend alternative actions or decisions for the City Manager's consideration.

Motion by Lawana Diffie, **second** by Gail Zamar to recommend an alternative action for the City Manager's consideration.

Addendum motion by Gail Zamar, **second** by Lawana Diffie for the alternative action for the City Manager's consideration to be suspension without pay for ten days.

Roll Call on **addendum motion**: All members voted in favor. **MOTION PASSED**

Roll Call on **original motion**: All members voted in favor. **MOTION PASSED**

11. Adjournment

Motion by Lawana Diffie, **second** by Gail Zamar to adjourn the meeting at 5:06 p.m. unanimously passed.

Prepared By:



Rocio Garcia-Pedroza
HR Manager